

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

Civil Action No. 05-10917 PBS

)	
The HipSaver Company, Inc.,)	
Plaintiff,)	
)	
v)	
)	
J.T. Posey Company,)	
Defendant)	
)	
_____)	
)	
J.T. Posey Company, Inc.,)	
Counterclaim Plaintiff)	
)	
v)	
)	
The HipSaver Company, Inc. and)	
Edward L. Goodwin,)	
Counterclaim Defendants)	
)	
)	
_____)	

**PLAINTIFF HIPSAVER'S FURTHER STATEMENT AND REQUEST TO THE
COURT REGARDING MAGISTRATE JUDGE COLLINGS' RESERVATION
ON HIPSAVER'S MOTION TO COMPEL DISCOVERY**

In light of counsel's January 4, 2005 statement to the court on behalf of the Defendant that a diligent search of Defendant's records has been conducted and that, to the best of its knowledge, all requested materials and documents have *now* been produced, and to avoid burden to the court, HipSaver requests the court's permission to withdraw its Motion to Compel, originally filed on November 21, 2005, subject to the

right to renew the motion should HipSaver learn that materials and documents in Defendant's possession have not been produced.

THEREFORE, for the reasons stated above, Plaintiff requests permission of this court to withdraw its Motion to Compel.

Respectfully submitted,
THE HIPSAVER COMPANY, INC.
By its Attorneys,

/s/ Courtney M. Quish
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Dated: January 6, 2006

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CERTIFICATE OF SERVICE

I certify that this document has been filed through the Electronic Case Filing System of the United States District Court for the District of Massachusetts and will be served electronically by the court to the Registered Participants identified in the Notice of Electronic filing.

/s/ Courtney M. Quish
January 6, 2006